

Columbia Township Zoning Board of Appeals

June 24,2021

Columbia Township Zoning Board of Appeals meeting called to order by acting Chairperson Scott Rogers at 7:00 P.M. Present Jerry King, Hollis Jefferys, Ray Kuzminski and secretary Robin Tackett. Absent: Barbara Beamish.

Motion by Scott Rogers to approve agenda as presented. The motion was seconded by Jerry King. Ayes:All. Motion carries..

Motion made by Ray Kuzminski to approve Columbia Township Zoning Board of Appeals meeting minutes of 5/27/21 hearing. The motion was seconded by Chairman Scott Rogers. Ayes:All the motion to grant the meeting minutes approved at this time.

Public comments. Nancy Fite spoke at this time and stated she is worried about home values if the variance at 130 Bingham is approved. Ron Hawkins spoke in favor of granting the variance at 130 Bingham. James Pelham not in favor of granting the variance at 130 Bingham.

Chairman Scott Rogers spoke at this time and stated the reasons why 130 Bingham will be a rehearing tonight. Spoke with Columbia Township Legal counsel and will be rehearing the variance at 130 Bingham.

PUBLIC HEARING(S) 2 variance requests

1)

Request for a Variance to construct a detached garage a distance of 10' of the rear property line on property known as 130 Bingham Dr. ADP# 000-19-27 252-004-00

Jessica Curtis , representative for the Columbia Township Zoning building department spoke at this time. The request is for a new garage, detached structure, to be placed in the rear yard setback. Encroachment is 15 ft. to the rear property line the minimum setback is 25ft. There is an existing shed/structure 9X11 ft. in the rear property line. Current encroachment is 99 sq. Ft. They are asking for 306 sq. ft. The new proposed garage will be less encroaching; it will be further away than the existing shed which is 3ft to the rear lot line.

Dina Diacu: Request for a Variance to construct a detached garage a distance of 10' of the rear property line on property known as 130 Bingham Dr. ADP# 000-19-27 252-004-00: spoke at this time presented reasons why she is requesting a variance. They do not currently have a garage.

The current size and shape of the property means they are unable to build an attached garage so the proposed garage makes best use of the land that they do have while keeping in harmony with the surrounding neighborhood. The current shed is falling into disrepair and they need a place for storage and parking. She is looking to make best use of the property. Trying to come into less of a non-conformity.

Ray Kuzminski asked about the distance from the proposed garage to the home. Mrs. Diacu stated that it is approximately 30ft. Then he asked can you move it closer to the home? Mrs. Diacu stated that they need the space to turn around and they have a deck on the back of the home it would be difficult.

Three pieces of correspondence: Misty Muldowney, 128 Bingham, Brooklyn. Wants her original letter of not in favor of granting variance and statement retracted. Kelvin & Karen Kilbourn 147 Hawthorne Dr. Brooklyn, Not in favor of granting variance. William & Christin Dowd 132 Bingham, Brooklyn, Not in favor of granting the variance. LCPOA report does not meet setback-denied.

The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion at this time.

Motion by Jerry King to approve as requested. Citing: 16.7, A & B.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to the unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the applicants actions.
3. That the variance will relate only to the property described in the variance application.
4. That the variance will be in harmony with the purpose of the Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That the strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

7. That the variance request is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty. Motion seconded by Ray Kuzminski. Roll call:, King:NO, Rogers:NO, Jefferys:yes, Tackett:yes.Kuzminski:NO. 3-2 vote. Variance is denied.Chairman Rogers told the applicant that they are denied.

2)

Request for a Variance to construct a garage a distance of 10' of the rear property line on property known as 2500 Lakeview Dr. ADP# 000-19-22-107-012-03

Jessica Curtis, representative for Columbia Township building department spoke at this time. The request to construct a garage a distance of 10' of the rear property line on property known as 2500 Lakeview Dr. ADP# 000-19-22-107-012-03. The rear setback is 25ft and the applicant is requesting a 10ft rear setback.

Nick Downs of 2500 Lakeview, Clarklake MI 49234. ADP# 000-19-22-107-012-03. Spoke at this time and presented his reasons why he is requesting a variance for a new pole barn to be built. The current structure on the property is in disrepair and currently it is only 8 ft to the east side; it has a 2 ft. encroachment currently. With what he is requesting he will not be asking for an east side yard setback just rear setback. He is trying to make best use of the space while preserving trees and making most of the space he has on his lot while not having the proposed building close to his home.

No public comments, no correspondence.

The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion at this time. Discussion of the current building being non-conforming presently. Ray Kuzminski discussion of current zoning regulations.

Motion by Hollis Jefferys to approve as requested .Citing:16.7, A & B.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to the unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms or the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the applicants actions.
3. That the variance will relate only to the property described in the variance application.

4. That the variance will be in harmony with the purpose of the Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That the strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance request is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

Motion seconded by Robin Tackett. Roll call: King:no, Rogers:yes, Jefferys:yes, Tackett:yes.kuzminski:no. 3-2 vote. Variance is granted. Motion carries and variance is approved as requested.

No public comments.No ZBA comments. Motion by King to adjourn the motion is seconded by Jefferys. Ayes:All the meeting is adjourned at 7:56 PM.

Respectfully submitted,

Robin Tackett
Secretary Columbia Township Zoning Board of Appeals